

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RANDALL TURNER,

Plaintiff,

v.

TONY PARKER et al.,

Defendants.

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**Case No. 3:18-cv-00003
Judge Aleta A. Trauger**

ORDER

For the reasons set forth in the accompanying Memorandum, the plaintiff's Objection (Doc. No. 181) and Supplement Objection (Doc. No. 183) to the Magistrate Judge's Report and Recommendation ("R&R") (Doc. No. 175) are **OVERRULED**, and the R&R is **ACCEPTED** in its entirety.

Accordingly, defendant Kavin Johnson's Motion for Summary Judgment (Doc. No. 145) is **GRANTED**, and the claims against Johnson are **DISMISSED WITH PREJUDICE**. The plaintiff's Motion for Partial Summary Judgment (Doc. No. 116) and "Supplement Motion for Partial Summary Judgment" (Doc. No. 149) are **DENIED**. The defendant's Motion to Strike (Doc. No. 170) and all other pending motions in this action, including the plaintiff's renewed Motion for Preliminary Injunction (Doc. No. 184) and Motion seeking injunctive relief (Doc. No. 191), are **DENIED AS MOOT**.

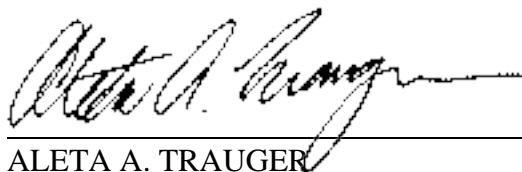
The court notes that the claims against defendant Jeremy Cotham, who has never been served, have never formally been dismissed. The plaintiff was placed on notice by this court's October 9, 2019 Order dismissing with prejudice the claims against four other defendants that,

although the defendants had provided an address for Cotham, process had never been issued for him and he had never been served. (*See* Doc. No. 112, at 2 n.2) The claims against Cotham have now been pending for more than two years, since the filing of the first Amended Complaint on October 9, 2018 (Doc. No. 58), and the plaintiff has been in possession of his address since November 2018 (*see* Doc. No. 65), but the plaintiff has never attempted to serve Cotham with process or in any way prosecuted the claims against him. In light of this excessive delay, all claims against Cotham are now **DISMISSED WITH PREJUDICE**, for failure to prosecute.

All other claims against all defendants having previously been dismissed, this case is **DISMISSED** in its entirety.

It is so **ORDERED**.

The Clerk shall enter judgment in accordance with Fed. R. Civ. P. 58.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', is written over a horizontal line.

ALETA A. TRAUGER
United States District Judge